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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/672,633

09/26/2003

David G. Boyer

502054-A-01-US (Boyer)

8084

7590

07/26/2006

Ryan, Mason & Lewis, LLP  
Suite 205  
1300 Post Road  
Fairfield, CT 06824

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/672,633	Applicant(s) BOYER ET AL.	
	Examiner Naghmeh Mehrpour	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 11-13, 16--24, are rejected under 35 U.S.C. 102(e) as being anticipated by Sahai et al.(US Publication 2002/0076010 A1).

Regarding claims 1, 12, 17, Sahai teaches an apparatus/method for delivering a voice mail message to a recipient, comprising:

a memory (0026, 0048); and

at least one processor, coupled to the memory, operative to (0047):

receive said voice mail message from a sender (0026);

obtain a presence status of said sender from a presence server (0028); and

deliver said voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0028, 0041, 0056), **the indication including an identification of at least one device where the sender is present (0037, 0039, 0040, 0041, 0056).**

Regarding claims 2, 18, Sahai teaches a method/apparatus wherein said presence server extracts presence information from a plurality of presence data stores (0031-0032).

Regarding claims 3, 19, Sahai teaches a method/apparatus of claim 2, wherein said presence server translates said presence information to a standard format (0039, 0040).

Regarding claims 4, 20, Sahai teaches a method/apparatus wherein said presence server determines said presence status of said sender based on one or more rules that aggregate extracted presence information (0032).

Regarding claims 5, 21, Sahai teaches a method/apparatus wherein said recipient responds to said sender in another domain (0032).

Regarding claims 6, 22, Sahai teaches a method/apparatus wherein said presence information indicates if the message sender can be reached at one or more indicated devices (0024, 0032).

Regarding claims 7, Sahai teaches a method of claim 1, wherein said presence information is obtained from a user registration process (0024, 0027).

Regarding claims 8, Sahai teaches a method of claim 1, wherein said presence information is obtained by observing activities of a user (0031, 0032, 0033).

Regarding claims 11, 16, 23, Sahai teaches a method/apparatus wherein said recipient can respond to said sender using a non-textual form of communication (0031).

Regarding claim 13, Sahai teaches a method of claim 12, wherein said providing step allows said recipient to respond to said sender in another domain (0031-0032).

Regarding claim 24, Sahai teaches an apparatus of claim 17, wherein said presence status indicates a presence status of said sender across a plurality of domains (0032-0033).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-10, 14-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahai (US Publication 2002/0076010) in view of Haim (US Patent 6,718,014)

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Regarding claims 9, 14, Sahai fails to teach a method/apparatus wherein said recipient can respond to said sender in real time. However, Haim teaches a method/apparatus wherein said recipient can respond to said sender in real time (col 4 lines 5-15, col 1 lines 8-14). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Haim with Sahai, in order to notify the user of the incoming telephone call in response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

Regarding claims 10, 15, Sahai fails to teach a method wherein said recipient can respond to said sender in non-real time. Haim teaches a method wherein said recipient can respond to said sender in non-real time (col 1 lines 8-14, col 4 lines 5-15).

Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Haim with Sahai, in order to notify the user of the incoming telephone call in response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

### ***Response to Arguments***

4. Applicant's arguments filed 4/18/06 have been fully considered but they are not persuasive.

In response to the applicant's argument that Sahai does not teach "*delivering the voice mail message to the recipient with an indication of a presence of a sender, the indication*

*including an identification of at least one device where the sender is present*", the examiner asserts that Sahai teaches that PBX 110 has additional functionality beyond that of a commercially available PBX. PBX 110 interfaces with presence server 112. Through this interface, PBX 110 receives availability information regarding calling party 102 from presence server 112. Moreover, PBX 110 is able to include the availability information into the message left by called party 104, and convey the modified message to called party 104 (0037), therefore any information regarding the calling party can be insert in the recipient including the identification of the at least a device where the sender is present (0037, 0039, 0040, 0041).

In response to the applicant's argument that Sahai does not teach "*delivering the voice mail message to the recipient to automatically respond to the sender at a device where believed to be present*", the examiner assert that in paragraph 0040, in alternate of the embodiment of the invention of Sahai a query method is not used. Rather, the current likely availability of the calling party can be sent to the PBX as soon as it is known, or on a periodic basis. The PBX can be automatically updated regarding the calling party's availability. The PBX can then modify a voice mail message as appropriate, without having to query the presence server. Therefore, the correct information is automatically present, in embodiment of step 408 above, the step of leaving a voice mail message for the called party, is illustrated in greater detail in FIG. 5. The processing begins at step 502. In step 504, the calling party accesses the voice mailbox of the called party. In step 506, the calling party records a message for the called party at the PBX. In step 508, the PBX associates the identity of the calling

party with the message left by the calling party. When the called party subsequently accesses this message, this association allows the PBX to make a specific query to the presence server as to whether the party associated with the message (i.e., the calling party) is available.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sahai teaches an apparatus/method for delivering a voice mail message to a recipient, receiving the voice mail message from a sender (0026), obtaining a presence status of said sender from a presence server (0028), and delivering the voice mail message to said recipient to automatically respond to the sender an indication of a presence of said sender (0028, 0041, 0056), the indication including an identification of at least one device where the sender is present (0037, 0039, 0040, 0041, 0056). Sahai fails to teach a method/apparatus wherein said recipient can respond to said sender in real time. However, Haim teaches a method/apparatus wherein said recipient can respond to said sender in real time (col 4 lines 5-15, col 1 lines 8-14). Therefore, by combining the above teaching of Haim with Sahai, notifying the user of the incoming telephone call in



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response to the telecommunication interface intercepting the incoming telephone call prior to ringing of the incoming telephone call.

### **Conclusion**

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.


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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

July 4, 2006



ANELODY MEHROTRA  
PATENT EXAMINER